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S E C R E T SECTION 01 OF 02 BAGHDAD 003010

SIPDIS

E.O. 12958: DECL: 07/19/2015

TAGS: MOPS PHUM PINS PINR PTER RO IZ

SUBJECT: DISPOSITION OF IRAQI-AMERICAN DETAINEE MOHAMMAD MUNAF

REF: A. FEINBERG-PILZ EMAIL JULY 13

1B. SILKWORTH-PILZ EMAIL JULY 13

1C. FEINBERG-PILZ INTERVIEW JULY 19

Classified By: Charge d' Affaires David M. Satterfield for reasons 1.4

(b) and

(d).

11. (S) Summary and Action Request. This cable seeks concurrence as to the legal disposition of Iraqi-American national Mohammed Munaf (or Muneef), now held as a security internee by Coalition Forces in Iraq under the authority of UNSCR 1546. (Background: Munaf, a former resident of Romania, was detained in May 2005 due to his suspected involvement in a kidnapping plot involving Romanian journalists.)

12. (S) On July 18, an Article V panel convened by MNF-I found Mohammed Munaf has the legal status of "security internee"; this fact will soon be formally reported to OSD. We understand that DoD intends to proceed now with interagency discussions on Munaf's disposition on the basis of informal reporting.

13. (S) It is DoD policy as pertains to security internees in USG custody in Iraq that the intent of the USG to bring charges against an internee be considered first among parties likely to bring such charges. Should the USG lack evidence on which to proceed, the ability and willingness of the Iraqi courts to try the internee will be considered next.

13. (S) Post has not received notification of USG interest in prosecuting Munaf. However, the Central Criminal Court of Iraq has requested his appearance as a witness and as a defendant. Post and MNF-I recommend that the established procedures with respect to American citizens held as MNF-I security internees be followed should the USG opt not to initiate legal proceedings against Munaf. Post and MNF-I further recommend that:

(a) the CCCI be allowed to call Munaf as a witness on the understanding that he will remain in MNF-I's legal and physical custody during and after his court appearance;

(b) the CCCI be subsequently allowed to try Munaf as a defendant (a decision that would transfer legal custody of Munaf to Iraq); and

(c) that physical custody of Munaf be transferred to the Iraqi Ministry of Justice should he be convicted and given a custodial sentence.

14. (S) As noted in reftels, the Government of Romania has requested that MNF-I make Munaf available for a judicial hearing on "Romanian legal territory" at the Romanian Embassy in Baghdad. We understand that a second request was made recently that Munaf be interviewed by Romanian prosecutors at his place of detention.

15. (S) MNF-I does not object to Romanian access to Munaf if it takes place at the detention site, is investigatory in nature, and does not prevent the USG or the CCCI (should Embassy Baghdad and MNF-I's recommendation be adopted) from proceeding with Munaf's prosecution.

16. (S) We recommend that the USG respect the intent of an Iraqi court to try an Iraqi-American national for crimes committed inside Iraq and that this issue be given priority. The issues of Romanian extradition or assumption of custody should be handled bilaterally between Iraq and Romania. The Embassy will be pleased to facilitate these bilateral contacts.

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ACTION REQUEST  
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17. (S) Given the urgency of the Iraqi and Romanian governments' requests, we request the Department's

guidance on this matter as soon as possible.  
Satterfield